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DOCKET NO.: MSFT-0275/164216.01
Application No.: 09/892,318
Office Action Dated: May 6, 2005

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

In response to the Office Action dated May 6, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-26 are pending. Claims 1-26 have been rejected. Claims 1, 12, 17 and 24 are independent claims from which claims 2-11, 13-16, 18-23 and 25-26 respectively depend. Claims 1, 3, 6-7, 9, 12, 14, 17, 21 and 24 have been amended. No new matter has been added. Claims 2, 13, 18, and 19 have been cancelled. Support for the amendments can be found in the application as originally filed on page 7, second paragraph and elsewhere in the application.

While Applicants do not agree with the grounds for rejection and responses to argument, in the interest of furthering prosecution, Applicants have amended the above claims to more particularly point out the invention, which renders the stated grounds for rejection moot. Applicants respectfully submit that the claims, as amended, define over the prior art.

§103(a) Rejections

Claims 1, 5, 8, 16-17, 23-24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. (U.S. Publ No. US 2002/0046181 A1) in view of Benson et al. (U.S. Patent No. 6,678,665 B1) and Hurtado et al. (U.S. Patent No. 6,418,421 B1).

Applicants respectfully submit that claim 1 and the claims that depend there from are patentable because neither Story nor Benson nor Hurtado, alone or in combination disclose or suggest all the features of Applicants amended claim 1. Claim 1 recites:

A method of enabling the use of a digital license on a plurality of devices, said digital license permitting the use of a content item and being bound to a first of said plurality of devices by a first key pair associated with said first device, said method comprising:

receiving a first digital license from said first device, said first digital license associated with a first expiration date;

receiving a second key pair associated with a second of said plurality of devices, said second key pair being different from said first key pair;

creating a second digital license bound to said second device using said second key pair, said second digital license being based on said first digital license,

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wherein said second digital license is set to expire prior to said first expiration date on a second expiration date and *wherein failure of said second device to contact a license synchronization server prior to said second expiration date results in removal of said second device from a registration store on said license synchronization server; and transmitting said second digital license to said second device.*

(emphasis added).

Story is directed to a license management device that manages licenses for playback of digital content. Each license created by the license management device and transferred to a playback device is associated with a cardinality that determines the number of playback devices that can be authorized by the license.

Benson is directed to a mechanism for protecting software against unauthorized use (such as unauthorized copying) by providing a challenge means having no access to a private key and a response means that proves to the challenge means that the response means has access to the private key by interacting with the challenge means using a probabilistic proof scheme. The challenge means prohibits a customer from using the software unless the challenge means knows that the probabilistic proof is successful.

Hurtado is directed to tracking usage of digital content on user devices. Electronic stores sell licenses to play digital content to users. Content players are used to play the licensed content data. A logging site tracks the playing of content data.

Neither Story nor Benson nor Hurtado, alone or in combination disclose or suggest at least a mechanism "*wherein failure of said second device to contact a license synchronization server prior to said second expiration date results in removal of said second device from a registration store on said license synchronization;*" as recited by Applicants' amended claim 1. Hence Applicants respectfully submit that claim 1 and its dependent claims are allowable and request the withdrawal of the rejection of these claims.

As amended independent claim 17 and 24 recite analogous features, Applicants respectfully submit that claim 17, 24 and the claims that depend therefrom are also patentable for the reasons discussed above and request the withdrawal of the rejection of these claims.

Claims 2-4, 6-7, 9-15, 18-22 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. in view of Benson et al. and further in view of Yang et al. (Publ. No. US 2002/0194008 A1) and Hurtado.

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Applicants respectfully submit that claims 2-4, 6-7, 9-11, 18-22 and 25 are allowable as depending from allowable claims 1, 17 and 24, as discussed above, as Yang does not cure the deficiencies of Story, Benson and Hurtado. Applicants also submit that amended claim 12 and its dependent claims are allowable because Story, Benson, Yang and Hurtado do not disclose or suggest all the features of Applicants' amended claim 12.

Applicants' amended independent claim 12 recites:

A method of roaming a digital license onto a plurality of devices, said roamed digital license enabling the use of a content item on a plurality of devices, comprising:
receiving a first digital license cryptographically bound to a first device, said first digital license having a first set of terms;
creating a second digital license cryptographically bound to said first device, said second digital license having a second set of terms different from said first set of terms, wherein said second digital license is set to expire prior to said first digital license, and *wherein failure of said second device to contact a license synchronization server prior to said second expiration date results in removal of said second device from a registration store on said license synchronization server;* and
transmitting said second license to said first device.

(emphasis added).

Yang is directed to a contract management mechanism in which a database of contracts is maintained. When a licensing inquiry is received to which multiple contracts apply, the terms in the multiple contracts are reconciled: that is, a determination of which terms from which contracts govern is made to derive a set of reconciled terms. Yang does not disclose or suggest at least "creating a second digital license cryptographically bound to said first device, said second digital license having a second set of terms different from said first set of terms, wherein said second digital license is set to expire prior to said digital license, and wherein failure of said second device to contact a license synchronization server prior to said second expiration date results in removal of said second device from a registration store on said license synchronization server;" as recited by amended claim 12. Hence, Applicants respectfully submit that claim 12 and its dependent claims are allowable and request the withdrawal of the rejections of these claims.

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Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present Application is in condition for allowance. Withdrawal of the rejections of the claims and an early allowance is earnestly solicited.

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Susan C Murphy
Susan C. Murphy
Registration No. 46,221

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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